IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

CHARLES E. COOK,)	
Plaintiff,)	No. 3:10-0643
)	JUDGE HAYNES
V.)	
)	
JOHN McHUGH,)	
SECRETARY OF THE ARMY,)	
)	
Defendant.)	

ORDER

Before the Court is the Defendant's motion to dismiss (Docket Entry No. 15). To date, Plaintiff has not responded to this motion nor sought an extension of time.

In a related action, the Honorable John T. Nixon granted the Defendant's motion for summary judgment in <u>Charles E. Cook v. John McHugh</u>, 3:09-0649 (Docket Entry No. 31, Memorandum Order, January 27, 2011).

Under Local Rules 7.01(b), the "[f]ailure to file a timely response shall indicate that there is no opposition to the motion." Given Plaintiff's failure to respond, the Defendant's motion to dismiss (Docket Entry 14) is **GRANTED**. This action is **DISMISSED with prejudice**.

It is so **ORDERED**.

ENTERED this the ______ day of February, 2011.

United States District Judge